

REMARKS

Reconsideration of the Office action dated September 20, 2000 is requested in view of the foregoing amendments and the following remarks. Prior to entry of this amendment, claims 1-31 were pending and stand rejected. By this amendment, claims 1, 4-6, 8, 13-15, 24, 28, and 30-31 are amended, claims 19-23 are canceled without prejudice, and new claims 32-43 are added.

As an initial matter, Applicant thanks the Examiner for his time and comments in a telephone interview on December 12, 2000 with Applicant's undersigned attorney. In the interview, the patent to Zoretic and the Examiner's rejections of the claims were discussed, but no agreement was reached as to the allowability of the pending claims.

Claims 19-23 stand rejected under 35 U.S.C. § 101 as being unpatentable for being directed to non-statutory subject matter. More specifically, the Examiner says that claim 19 requires a mental step, and therefore the claim is not patentable. Applicant traverses the rejection, but believes the rejection is rendered moot because the claims have been canceled without prejudice. For the record, however, Applicant submits that the claimed method is patentable subject matter. Furthermore, and as explained in the specification, the providing, identifying and determining steps are not purely mental steps. Applicant recognizes that any action performed by an individual will inherently involve some mental processing, however, submits that claims 19-23 do not require a purely mental step. For example, the determining step involves both physical and



mental acts to estimate and select the path along which to putt a golf ball, which often includes aligning the representation with the actual green.

Claims 1-6, 9-15, 17-20 and 23-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,027,417 to Zoretic et al. According to the Examiner, Zoretic discloses a representation of a green 40 with a plurality of indicia 60, 62 that identify a path along which a golf ball will travel when putt. Applicant traverses the rejections.

Original claim 1 recites a putting improvement device that includes a representation of a green and a plurality of putting indicia on the representation that each identify a determined path along which a golf ball will travel when putt on the green. Claim 1 patentably distinguishes Zoretic because Zoretic only discloses a green representation showing estimated putts that are created by a golfer after a putt. More specifically, after putting a ball, the golfer should know where the ball started and stopped. However, the actual path of the ball along the green, as well as the precise placement of the beginning, ending and intermediate points on the representation of the green are only estimated by the golfer. Therefore, while these indicia may inform the golfer that the golfer frequently putts the ball beyond the hole, such as shown in Fig. 3 of Zoretic, they do not represent true determined putt lines.

Claim 1, on the other hand, recites that the putt lines identify a determined path along which a golf ball will travel when putt. Zoretic fails to disclose or suggest such a putt line. Applicant submits that the reason for this is



that Zoretic is designed for use by infrequent golfers to remind the golfers of their shots when they previously played a particular hole. This is discussed in columns 1-3 of Zoretic. The device recited in claim 1, on the other hand, is not created by the infrequent golfer using after-the-fact estimated lines, but instead uses determined paths. As discussed in Applicant's specification, the determination of the paths includes reproducible measurements to verify that the ball will travel along the path. Therefore, the golfer, including skilled and professional golfers, may rely upon the putting indicia as providing determined, reproducible putt lines, which may then be used by the golfer to improve that golfer's putting accuracy, even if the golfer has not previously played the particular hole shown on the presentation.

To more particularly recite this distinction, Applicant has amended claim 1 to recite that the paths are determined, non-estimated paths. Accordingly, Applicant requests that the rejection of claim 1 be withdrawn on consideration of the above remarks and amendment to the claim.

Claims 2-12 depend from claim 1 and therefore should be allowed when claim 1 is allowed.

Claim 4 depends from claim 1 and recites that the at least one putting indicia identifies a convergence band identifying a region within which a putted golf ball will travel to a common terminal location. An example of such a convergence band is shown in Fig. 5 of the present application, in which bands 72 are shown. As shown, each band 72 is bounded by a pair of putt lines, such as

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lines 76 and 78, with the band defining a surface therebetween in which balls will travel toward a common terminus, such as pin position 80.

The Examiner says that Zoretic anticipates claim 4 because the sequential putts shown in Fig. 3 of Zoretic may be referred to as a convergence band showing a ball traveling to a common terminal location, namely cup 33. Applicant submits that this sequence of sequential putts does not define a region within which a putt golf ball will travel to a common terminal location. Instead, it shows estimations of a plurality of sequential putts, with one putt beginning where the previous putt stopped.

To more particularly point out and distinctly claim this difference, Applicant has amended claim 4 to recite that the convergence band is bounded by a pair of putting indicia in the form of lines along which a putt golf ball will travel to the common terminal location, and that the convergence band further includes a surface extending between the lines. For the above reasons, Applicant requests that the rejection of claim 4 be withdrawn.

Claim 5 depends from claim 1 and recites that the paths are determined by measuring the trajectory of a golf ball propelled along the green. The Examiner says that the indicia of Zoretic are inherently determined by the trajectory of a putt ball because the indicia represent the path of the putt ball. Applicant traverses the rejection for the reasons discussed above, namely the difference between Zoretic's after-the-fact estimations and the determined paths according to the present invention. To further clarify this distinction, claim 5 has

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been amended to recite that the paths are determined by measuring the trajectory of a golf ball propelling along the green by a method other than manually putting the golf ball along the green. Because Zoretic only discloses estimated lines drawn by a golfer after that golfer completes a putt, it follows that Zoretic does not disclose or suggest paths determined by measuring the trajectory of golf balls that are propelled along the green other than by manually putting the ball. As disclosed in Applicant's specification, these methods can include a variety of reproducible methods, such as by using a Stimpmeter or other device in which a ball is propelled along the green along a selected, reproducible path using a selected, reproducible amount of force. For the above reasons, Applicant requests that the rejection of claim 5 be withdrawn.

Claim 6 depends from claim 1 and recites that each of the paths includes end points beyond which the golf ball will deviate from the path. The Examiner says that Zoretic inherently discloses this structure because it discloses in Fig. 3 paths that have end points and the Examiner says that a golf ball will inherently deviate from the path at the end point. Applicant wishes to clarify that claim 6 is intended to mean that a putted ball will follow the path until it reaches the end of the path, at which point the ball will deviate from the linear extension of the path. As explained in the specification, in some embodiments, the putting indicia are extended to their maximum length, i.e. the maximum distance along the green that a ball will travel along the line (in one or two directions, depending upon the particular embodiment being implemented) without deviating from the

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line. Because the pin positions and position of a golfer's ball will vary on any given day, the device recited in claim 6 is adapted to putting indicia that extend as far as possible along the green to provide more comprehensive information to the golfer. Claim 6 has been amended to more particularly point out this distinction. Upon consideration of the above, Applicant submits that claim 6 patentably distinguishes the teachings and disclosure of Zoretic and should be allowed.

Claims 11 and 12 depend from claim 1. Claim 11 further recites that the putting indicia identify determined paths along which a golf ball will travel when putted on the green, regardless of the direction at which the golf ball is putted along the path. Claim 12 further recites that each of the putting indicia identifies a determined path along which a golf ball will travel when putted on the green, regardless of the position of the golf ball on the path when the ball is putted along the path. Both claims stand rejected as being anticipated by Zoretic. Applicant traverses the rejections because many factors may cause a putt line defined by the path of a putted ball to not be reproducible if the ball is putted in a different direction along the same path, from a different starting location or with a different force. Examples of these factors include the starting position of a ball on the green, the direction of a particular putt, the force used on a particular putt, the grain direction of the portion of the green along which the putted ball will travel and changes in elevation on the portion of the green along which the putted ball will travel. These factors are discussed in more detail in Applicant's specification. In Zoretic, there is no teaching or disclosure that a ball will travel along any of the



illustrated lines if any of these factors are varied. Moreover, because these lines are only after-the-fact estimations, Applicant submits that the balls may not even travel along the illustrated lines at all. Nonetheless, claims 11 and 12 are directed to putting indicia that identify determined paths along which a golf ball will travel regardless of the position along the path or the direction along the path. Applicant submits that this structure is not disclosed or suggested in Zoretic, and therefore requests that the rejection of claims 11 and 12 be withdrawn.

Claim 13, as amended, is directed to a putting improvement device for a golf course having golf holes with greens. The device includes a booklet with representations of each of the greens, and the representations include elevation indicia depicting the topographical profile of the greens and a plurality of putting benchmarks that identify predetermined paths along which a golf ball will travel when putted on the greens. Claim 13 stands rejected as being anticipated by Zoretic. Applicant traverses the rejection because Zoretic fails to disclose a booklet with green representations having putting benchmarks that identify predetermined paths along which the golf ball will travel when putted on the green, as discussed with reference to claim 1. Furthermore, Zoretic does not disclose such a booklet in which the representations also include elevation indicia. Nonetheless, Applicant has amended claim 13 to further recite that the putting benchmarks identify predetermined, non-estimated paths along which golf balls will travel. Applicant requests reconsideration of the rejection of claim 13, for the reasons presented above, including the reasons presented with respect to claim 1.



Claims 14-18 depend from claim 13 and should be allowed when claim 13 is allowed.

Claim 24 recites a method for improving putting. The method recites, in part, determining a plurality of paths on the green along which a golf ball will travel when putted, and as amended the claim further recites that the plurality of putts are determined at least in part by a method other than manually putting a golf ball across the green. As discussed above with respect to claim 5, Zoretic fails to disclose such a method or a device constructed with such a method. Instead, the device of Zoretic is created by a golfer estimating the path of a putted golf ball after the ball has been putted and then marking the estimated the path and its beginning and ending points on a representation of the green. Therefore, claim 24 is believed to patentably distinguish Zoretic.

Claims 25-31 depend from claim 24, and therefore should be allowed when claim 24 is allowed.

Claim 28 depends from claim 24 and, as amended, further recites that the determining step includes propelling a golf ball along the green and studying the path of the ball to determine if the path meets selected criteria that includes a straight path of travel. Applicant submits that claim 28 patentably distinguishes Zoretic because Zoretic does not disclose or suggest such a method. As discussed, Zoretic provides infrequent golfers with a method for remembering their prior putts for use when they play a particular golf hole successive times. Therefore, the putt lines marked on Zoretic are used to demarcate estimations of

the golfer's actual putts. Claim 28, on the other hand, is directed to a method for selecting suitable paths for presentation on the representation, namely, paths that follow a straight line. The Examiner has suggested that it is technically possible for a golfer to putt a ball straight. Even if this occurs, however, Applicant submits that a method for determining paths for inclusion on a putting improvement device based upon whether the paths follow a straight line is neither disclosed nor suggested. For the above reasons, claim 28 should be allowable.

Claims 29-31 depend from claim 28 and respectfully further recite that the method includes repeating the procedure along a different path if the path fails to meet the selected criteria, repeating the procedure along the path with a different force if the path fails to meet the selected criteria, and repeating the procedure along the path with greater force to determine terminal positions beyond which the path of the golf ball will fail to meet the selected criteria. Because claims 29-31 depend from claim 28, they should be allowed when claim 28 is allowed. Claims 29-31 should also be allowable because Zoretic fails to disclose or suggest such a method. Because Zoretic discloses a method of recording estimations of a golfer's actual putts, it does not address or have significance whether the path of the ball is straight, would be straight if putted with a different force, or would cease to be straight if putted with greater and greater force. There simply is no need or desire for such a determination according to the teaching and device of Zoretic. Therefore, claims 29-31 should be allowable for these additional reasons.



New claims 32-34 depend from claim 28 and therefore should be allowed when claim 28 is allowed.

New claims 35 and 46 are original claims 11 and 12 rewritten in independent form, and therefore are equal in scope to original claims 11 and 12. New claims 35 and 36 should be allowable for the reasons presented above with respect to claims 11 and 12.

With the entry of the above amendments, and for the reasons stated, Applicant submits that all of the issues raised in the Office action have been addressed and overcome. If there are any questions or remaining issues that may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

KOLISCH, HARTWELL, DICKINSON,
McCORMACK & HEUSER

David D'Ascenzo by Christopher Tuttle
David S. D'Ascenzo reg. 41,357
Registration No. 39,952
of Attorneys for Applicant
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 22, 2001.

Robin L. Davin
Robin L. Davin